

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	: Case No.: 3:25C42MJN
	:
Plaintiff,	: JOINT MOTION TO HOLD BRIEFING
	: SCHEDULE IN ABEYANCE AND TO
vs.	: RETURN THE DEFENDANT TO STATE
	: CUSTODY
CARTER KANGAS,	:
	:
Defendant.	:

The United States of America and defendant Carter Kangas jointly move to hold in abeyance the briefing schedule on his motion to dismiss the indictment and, during that stay, to return him to state custody to serve the balance of his custodial sentence in a previously adjudicated state case. Specifically, Mr. Kangas has moved to dismiss the indictment, alleging that the charges in it - namely, possession of a firearm by a user of controlled substances - violate the Second Amendment. This same issue has been fully briefed and argued before the Sixth Circuit in *United States v. Vanochten*, Case No. 23-1901, and is now pending disposition. Given that the ruling in the *Vanochten* matter largely will prove dispositive of the defendant's motion, the parties respectfully request that the Court stay briefing in this case pending the Sixth Circuit's decision.

During the pendency of the stay, the parties respectfully request that the Court return Mr. Kangas to state custody to

serve the balance of his six-month sentence in *Ohio v. Kangas*, a matter arising from the Montgomery County, Ohio, Court of Common Pleas. In that state matter, the Ohio court sentenced Mr. Kangas to serve six months treatment at the lockdown Monday Correctional Institute. To date, he has not served any portion of that sentence.

Based on the foregoing, the parties therefore respectfully request that the Court hold in abeyance the briefing schedule on the defendant's motion to dismiss the indictment and, during that stay, return him to state custody to serve the balance of his custodial sentence in *Ohio v. Kangas*. The parties are available at the convenience of the Court for a conference call on this motion.

DATED: July 21, 2025

Respectfully submitted,

KELLY A. NORRIS
ACTING UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on defendant's counsel this 21th day of July 2025 via the Court's ECF System.

s/Brent G. Tabacchi

BRENT G. TABACCHI

Assistant United States Attorney